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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,059	09/12/2003	Stephen Paul Lewontin	NOKM.059PA	8337
76385 7590 04/15/2009 Hollingsworth & Funk, LLC 8009 34th Avenue South Suite 125 Minneapolis, MN 54425			EXAMINER GOODCHILD, WILLIAM J	
			ART UNIT 2445	PAPER NUMBER
			MAIL DATE 04/15/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,059

Applicant(s)

LEWONTIN, STEPHEN PAUL

Examiner

WILLIAM J. GOODCHILD

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the pre-appeal request filed on 12/18/2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheenath (US Publication No. 2004/0045004), and further in view of Maes et al., (US Publication No. 2003/0088421), (hereinafter Maes).

Regarding claim 1, Cheenath discloses determining a markup-language Web service message at a first network entity [Cheenath, paragraph 19, SOAP an XML based protocol used to exchange information] usable to invoke a remote procedure call at a second network entity [Cheenath, paragraph 24], wherein the Web service message includes a variant [paragraph 17, parameters] portion that changes for repeated invocations of the remote procedure call and an invariant portion [Cheenath, paragraph 17, data structure] that does not change for the repeated invocations of the remote procedure call [Cheenath, paragraphs 17 and 21]; based on at least the variant portion of the Web service message [Cheenath, paragraphs 17 and 21, parameters can change, data structure remains the same from the WSDL file].

Cheenath does not specifically disclose forming a reduced message at the first network entity and sending the reduced message targeted for the second network entity via a network to process the remote procedure call at the second network entity based on the reduced message.

However, Maes in the same field of endeavor discloses reducing the size of the messages by using XML RPC or lighter weight messages [Maes, paragraph 130].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include reducing the size of the messages in order to limit network costs and work within network limitations such as SMS networks.

Regarding claim 2, Cheenath-Maes further discloses the Web service message comprises a simple object access protocol message [Cheenath, paragraph 19].

Regarding claim 3, Cheenath-Maes further discloses forming the reduced message comprises forming reference data based on the invariant portion of the Web service message and including the reference data [Cheenath, paragraphs 14-15 in the reduced message [Maes, paragraph 130].

Regarding claim 4, Cheenath-Maes further discloses the reference data comprises a binary representation of the invariant portion [Maes, paragraph 177, data can be sent encoded in binary format].

Regarding claim 5, Cheenath-Maes further discloses the reference data comprises a reference to a data store containing criteria for creating a reproduction of the invariant portion [Cheenath, paragraphs 14-15, WSDL file].

Regarding claim 6, Cheenath-Maes further discloses the reference to the data store comprises a Universal Resource Identifier (URI) [Cheenath, paragraph 15, lines 12-16].

4. Claims 7-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheenath-Maes as applied to claims 1 above, and further in view of Sharma et al., (US Publication No. 2003/0204645), (hereinafter Sharma).

Regarding claim 7, Cheenath-Maes does not specifically disclose forming a reproduction of the Web service message based on the reduced message; and processing the reproduction of the Web service message at the second network entity.

However, Sharma, in the same field of endeavor discloses mapping and processing the SOAP message on the target including parameters and possible return values for the remote call [Sharma, paragraph 124, lines 9-12 and 17-19 and paragraphs 122-124].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include mapping and processing the message on the target machine in order to enable the target machine to process the return message.

Regarding claim 8, Cheenath-Maes-Sharma further discloses forming the reduced message comprises forming reference data based on an invariant portion of the Web

service message and including the reference data in the reduced message [Sharma, paragraph 124].

Regarding claim 9, Cheenath-Maes-Sharma further discloses forming the reproduction of the Web service message comprises forming the reproduction of the Web service message from a reproduction of the invariant portion of the Web service message [Sharma, paragraph 124].

Regarding claim 10, Cheenath-Maes-Sharma further discloses the reference data comprises a binary representation of the invariant portion [Maes, paragraph 177, data can be sent encoded in binary format].

Regarding claim 11, Cheenath-Maes-Sharma further discloses the reference data comprises a reference to a data store containing criteria for creating a reproduction of the invariant portion [Cheenath, paragraph 17, WSDL file].

Regarding claim 12, Cheenath-Maes-Sharma further discloses the reference to the data store comprises a Universal Resource Identifier (URI) [Cheenath, paragraph 15].

Claims 13-14 are substantially the same as claims 1-12 and are therefore rejected for the same reasons.

Regarding claim 15, Cheenath-Maes-Sharma further discloses wherein the message processing arrangement includes a third data processing arrangement coupled to the first and second data processing arrangements via the network [Cheenath, figure 1, paragraph 13, items 120, 130 and 140].

Regarding claim 16, Cheenath-Maes-Sharma further discloses wherein the message processing arrangement includes a message processing module operable on the second data processing arrangement [Cheenath, figure 1, paragraph 13, items 120, 130 and 140].

Claims 17-20 are substantially the same as claims 1-12 and are therefore rejected for the same reasons.

Claims 21-22 are substantially the same as claims 1-12 and are therefore rejected for the same reasons.

Claims 23-26 are substantially the same as claims 1-12 and are therefore rejected for the same reasons.

Claims 27-29 are substantially the same as claims 1-12 and are therefore rejected for the same reasons.

Claims 30-31 are substantially the same as claims 1-12 and are therefore rejected for the same reasons.

Regarding claim 32, Cheenath-Maes-Sharma further discloses wherein the apparatus comprises a mobile terminal [Maes, paragraph 3, line 3, wired or wireless environments].

Regarding claim 33, Cheenath-Maes-Sharma further discloses wherein the apparatus comprises a server [Cheenath, figure 1, item 140].

Regarding claim 34, Cheenath-Maes-Sharma further discloses wherein the apparatus comprises a mobile terminal [Maes, paragraph 3, line 3, wired or wireless environments].

Response to Arguments

5. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested that applicant clearly indicate the portion(s) of applicant's specification that support the amended claim language for ascertaining the metes and bounds of applicant's claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153

WJG
04/09/2009